

October 26, 1993

(b)(6) Privacy

Terre Haute, IN 47808

ENVIRONMENTAL PROTECTION AGENCY
c/o Office of Civil Rights
401 M STREET S.W.
WASHINGTON D.C. 20460

RE: A SMOKE FREE ENVIRONMENT

To whom it may concern:

I am aware of your advocacy of smoke free environments and I am seeking your support and assistance so that I and others similarly situated may be free from the dangers associated with second-hand smoke.

Approximately twenty years ago in a precedented supreme court case the following ruling was handed down, in part: "...But though his rights may be diminished by the needs and exigencies of the institutional environment, a prisoner is not wholly stripped of constitutional protections when he is imprisoned for crime. There is no iron curtain drawn between the constitution and the prisons of this country." As such, with this in mind, I am seeking to exercise my rights to be free from the cruel and unusual punishment that is founded in my being exposed to the dangers of second-hand smoke. Because of the Breau of Prisons' apathetic attitude towards prisoners' health and well being, it behooves me to solicit outside intervention in order to be successful in this endeavor.

The enclosed Request For Administrative Remedy is the beginning of what will eventually escalate into court litigation. However, with your support and assistance this process may be avoided. In any event, because of the life threatening nature of this problem it is expedient that this matter be addressed and resolved expeditiously.

Thank you for your time and attention in this matter.

Very truly yours, 1

(b)(6) Privacy

RECEIVED
11/1/93
paw

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: **(b)(6) Privacy** B-1 USP Terre Haute
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST Please address this complaint pursuant to 28 CFR Manual, section 542.14, 48 Hour Emergency Response, because my being exposed to second-hand smoke on a daily basis is unequivocally inimical to my health, which in turn affects my immediate welfare. *NOTE*: The Environmental Protection Agency has reported that second-hand cigarette smoke is killing approximately 3,000 Americans every year. Several months ago I transferred to unit B-1 from unit 6-M under the auspices that B-1 was a non-smoking floor. To my surprise, I discovered that smoking was just as prevalent on this floor as it was the rest of the institution. Also, new residents were not screened properly and, consequently, more smokers were granted entry to what is suppose to be a non-smoking floor. This, in the least, evidences that the non-smoking policy is in no way taken seriously nor enforced. The response given to me in my informal resolution which asserts that "violators have been removed from the unit" is an out right lie. Virtually everyone in the unit smokes. Furthermore, if someone was to stab me or poison me and I died quickly as a result, that individual would be charged with murder. But, if I am infected by this same individuals' smoke and die in a couple of years, after suffering with lung cancer, the guilty smokers are charged with no crimes.

10-26-93
DATE

See attached

(b)(6) Privacy

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

CASE NUMBER:

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Request For Administrative Remedy
October 26, 1993
Page 2 of 2

I submit that this is cruel and unusual punishment that poison second hand smoke is killing more people every year, but the non-smoking policy is treated with deliberate indifference. The relief I am seeking is that staff do their job by immediately targeting all smokers and removing them from the non-smoking floor, and that precautions be taken to ensure that in the future no smokers are allowed entry to the non-smoking unit.

10-26-93
DATE

(b)(6) Privacy

SIGNATURE OF REQUESTER

cc: Joycelyn Elders
Surgeon General

Environmental Protection Agency
Office of Civil Rights

John F. Banzhaf III
Dir., Action On Smoking and Health